

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

MACK T. TRANSOU,)	
)	
Plaintiff,)	
)	
VS.)	No. 06-1245-JDT
)	
WAYNE BRANDON,)	
)	
Defendant.)	

ORDER DENYING *PRO SE* MOTIONS

Plaintiff, *pro se*, has moved the court for a copy of the orders in this matter at Government expense [DE# 55] and for permission to proceed *in forma pauperis* [DE# 54]. The motions are DENIED.

Judgment was entered against Plaintiff on his 28 U.S.C. § 2254 petition on March 17, 2008. The Sixth Circuit Court of Appeals refused to grant Plaintiff's motion for a certificate of appealability and denied his motion to proceed on appeal *in forma pauperis* on October 1, 2008.

Before the court can order the relief sought by Plaintiff, he must have a pending matter; he is not entitled to the requested documents merely to "go fishing." *Compare Ketcherside v. United States*, 317 F.2d 807 (6th Cir. 1963) (Federal prisoner is not entitled to obtain transcript of his trial at Government expense for purpose of preparing § 2255 motion when there is no such motion pending) with United States v. West, No. 93-5525,

1993 WL 375797 (6th Cir. Sept. 23, 1993) (“The district court advised West that he must first file his § 2255 motion to vacate sentence before he is entitled to a transcript. We need not decide at this time whether a motion to vacate sentence must be pending in the district court before a transcript request may be granted under 28 U.S.C. § 753(f). West has not otherwise shown that he has met the requirements of § 753(f) or that special circumstances were present.”) and Sistrunk v. United States, 992 F.2d 258 (10th Cir. 1993) (“In determining whether a defendant has complied with § 753(f), some courts have held that the actual filing of a habeas petition is a necessary prerequisite. We need not decide here whether to adopt this interpretation of § 753(f).”)

Because Plaintiff currently has nothing pending in the federal court system, his motions are DENIED.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

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